

Application No.: 10/824275
Amendment dated: July 5, 2006
Reply to Office action of April 5, 2006

REMARKS/ARGUMENTS

In the Official action of April 5, 2006, the Examiner cites another reference, Elbert 3,617,413. To the extent that it is relevant, the newly cited patent appears to contain nothing more than a disclosure of conventional artificial turf, which, as the Applicant acknowledged in paragraph 0007 of the specification, can have a urethane coating on the back side.

In rejecting claim 1, the Examiner asserts that the invention would have been obvious based on the teachings of Elbert and Foster 5,104,475 (previously cited). The Examiner notes that "Elbert is silent as to securing portions of artificial turf with hot melt adhesive." He also notes that "Foster is silent as to being specifically used as artificial turf or having a polyurethane backing."

Having noted these deficiencies in the disclosures of Elbert and Foster, the Examiner would be expected to have explained how a person skilled in the art would have been motivated to combine these references. However, he provides no such explanation, and indeed, there is no explanation; the combination was far from obvious until disclosed by the present inventor, for the following reasons.

The invention in this case essentially involves the adaptation of a carpet seaming technique to a very different application, namely, a playing surface composed of artificial turf, where the technique had never been previously used.

As explained in the Applicant's specification, the conventional method of laying artificial turf is to lay down a resilient cushioning layer, cover the cushioning layer with

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webs of strong fabric¹, at locations where they will underlie the seams of the artificial turf, apply liquid glue to the webs, and then lay down the artificial turf. Laying artificial turf using this technique is time-consuming, but at least the spreading of liquid glue and allowing it to solidify at ambient temperature outdoors is straightforward. A person skilled in the art of laying down artificial turf would likely be deterred from attempting to use hot melt carpet tape because of the difficulty of heating the hot melt adhesive in an outdoor environment. Moreover, even if someone skilled in the art of laying down artificial turf somehow perceived that an artificial turf such as that described by Elbert might be installed in the same manner as conventional household or industrial carpeting, he would have a difficult time in getting the technique to work, even if he were to follow Foster et al. 5,104,475.

The Examiner has stated that Foster teaches a carpet held together using a "seam made from polyamide hot melt" and fiberglass fibers, and cites Foster's abstract and column 3, lines 1-10. However, polyamide adhesive is not expressly mentioned in Foster. In fact, at column 2, line 67, Foster says that, "many types of hot melt adhesives are suitable." At column 2, line 67 - column 3, line 1, Foster incorporates Burgess 3,533,876. Polyamide adhesives are mentioned in Burgess, but among others, such as polyether-polyester adhesives, and polyurethane adhesives. Furthermore, there is no evidence that the example given by Foster at column 3, line

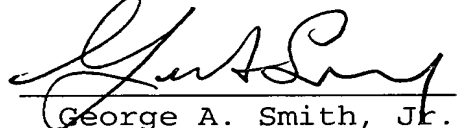
¹Foster's fabric happens to be polyamide, but the fact that the fabric is polyamide in no way suggests the use of polyamide adhesive.

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12, H. B. Fuller Co.'s #HM 8340 adhesive, is a polyamide adhesive.

In summary, the invention as claimed involves both a recognition that a tape similar to a carpet tape, having a layer of hot-melt adhesive, might be usable in connection with artificial turf, and a recognition that a polyamide hot melt adhesive is the type of adhesive that will work with a polyurethane or latex turf backing. The references do not show either aspect of the invention to have been obvious. The applicant respectfully requests reconsideration and the issuance of a notice of allowance.

Respectfully submitted,
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